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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.18856 of 2024

Muthuvel

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. By The Inspector of Police,
Gandharvakottai Police Station,
Pudukkottai District.
Cr.No.298/2024.

... Respondent/Complainant

For Petitioner : Mr.A.Arul Jenifer

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

For Intervenor : Mr.P.Ganapathi Subramaniam

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.298/2024 on the file of the respondent police.



ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 18.09.2024 for the offences under Sections 296(b), 118(1), 351(3) BNS (hereinafter referred to as new penal code) @ 103(1) of new penal code in Crime No.298 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a civil dispute between the parties and on the date of occurrence, the petitioner is said to have attacked the deceased with wooden log. In view of the same, the deceased sustained grievous injuries and ultimately, succumbed to the injuries.

3. The learned Counsel appearing for the petitioner submitted that the petitioner has suffered incarceration for nearly 46 days and that there are no previous antecedents against the petitioner and even as per the case of the prosecution, the entire incident had taken place in the spur of the moment.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent police submitted that initially, the FIR was registered for the offence under Sections 296(b), 118(1), 351(3) of new penal code and subsequently, the same was altered for offence under Section 103(1) of new penal code. The learned Additional Public Prosecutor further submitted that the deceased was aged about 77 years and he was attacked with wooden log by the petitioner. The investigation has been completed and police report was filed before the concerned



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5. The learned Counsel for the intervenor submitted that the deceased was an old man aged about 77 years and that he was brutally attacked by the petitioner and as a result, he succumbed to the injuries. The learned Counsel vehemently opposed grant of bail to the petitioner.

6. Taking into consideration the facts and circumstances of the case and also of the fact that the entire incident as projected by the prosecution has taken place in the spur of the moment and the investigation has already been completed and final report has been filed on 24.10.2024 and this petitioner has already suffered incarceration for more than 47 days, this Court is inclined to grant bail to the petitioner subject to the following conditions.

7. Accordingly, the criminal original petition is ordered and the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Gandharvakottai, Pudukottai District, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the learned District Munsif cum Judicial Magistrate, Gandharvakottai, Pudukottai District, once in fifteen days at 10.30 a.m



until further orders except on the days when the case is posted for hearing before the trial Court.

[c] the petitioner shall appear before the trial Court during every hearing date without fail.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

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1. The District Munsif cum Judicial Magistrate,
Gandharvakottai, Pudukottai District.
 2. Do Through,
The Chief Judicial Magistrate,
Pudukkottai District.
 3. The Officer in Charge,
Pudukottai Borstal School and District Prison.
 4. The Inspector of Police,
Gandharvakottai Police Station,
Pudukkottai District.
 5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1. CC to M/S.KBS LAW OFFICE Advocate SR.No.13556

ORDER

IN

CRL OP(MD) No.18856 of 2024

Date :04/11/2024

MGJ(04.11.2024) 5P 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023